

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 21-164

Judge:

Complainant:

ORDER

The Complainant alleged that a superior court judge improperly reassigned an order of protection matter and did not allow him to respond to a motion.

The role of the Commission on Judicial Conduct is to impartially determine whether a judicial officer has engaged in conduct that violates the Arizona Code of Judicial Conduct or Article 6.1 of the Arizona Constitution. There must be clear and convincing evidence of such a violation in order for the Commission to take disciplinary action against a judicial officer.

The Commission reviewed all relevant available information and concluded there was not clear and convincing evidence of ethical misconduct in this matter. The Commission approved sending the judge an advisory letter reminding the judge of his obligations under Rule 2.6(A) of the Code. The complaint is therefore dismissed pursuant to Commission Rules 16(b) and 23(a).

Commission members Roger D. Barton and Joseph C. Kreamer did not participate in the consideration of this matter.

Dated: November 12, 2021

FOR THE COMMISSION

/s/ Louis Frank Dominguez
Hon. Louis Frank Dominguez
Commission Chair

Copies of this order were distributed to all appropriate persons on November 12, 2021.

CONFIDENTIAL

Arizona Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, Arizona 85007

FOR OFFICE USE ONLY

2021-164

COMPLAINT AGAINST A JUDGE

Name: _____ **Judge's Name** _____

Instructions: Use this form or plain paper of the same size to file a complaint. Describe in your own words what you believe the judge did that constitutes judicial misconduct. Be specific and list all of the names, dates, times, and places that will help the commission understand your concerns. Additional pages may be attached along with copies (not originals) of relevant court documents. Please complete one side of the paper only, and keep a copy of the complaint for your records.

See attached formal complaints with Exhibits **A** through **P**

Complaint against Judge

County

matter

On the complainant, was present in the Court of Judge in a Review Hearing in the matter (Court minutes, exhibit A). Judge has been the Judge of record in the matter since There have been various matters before this Judge to include an Order of Protection on under an Order of Protection under in and an Order of Protection under on Judge was the Judge of Record in a separate matter (Termination of Parental Rights currently under advisement) in

On and her attorney again petitioned the Court for another Protective Order (Exhibit B, Petition for Order of Protection0. Unknown to at the time,

and petitioned the Court after hours for an ex parte protective order. Judge heard the ex parte petition for the protective order and granted the request (Transcript of hearing, Exhibit C). On and again on I sent emails to attorney requesting that he provide with notice of any ex parte notice for a protective order so that he would have notice and be able to defend himself against more false allegations (Exhibit D, emails to attorney). disregarded these requests.

On was served with the protective order in immediately submitted a motion to quash the order (Motion to Quash Protective Order, Exhibit E).

On Judge ordered that Judge be assigned to hear the ex parte protective order issued on although Judge had issued the order and Judge had been the Judge of records in all matters regarding and (Order of Assignment, Exhibit F).

orders for recusal were issued on _____ by Judges _____ and Judge _____ was the most recent prosecutor in a criminal case involving _____ before she was appointed as a Judge (Judge _____ Order). Judge _____ had recently (_____ prior) heard testimony in a review hearing involving _____ Judge _____ stated in her Order _____ after the protective order was issued that she " _____ " recused herself on _____ and had not reviewed the petition prior to her actions (Exhibit H, _____ Order).

On _____ requested subpoenas to appear at a hearing for _____ who are named in the protective order dated _____ (Exhibit I, Subpoenas). _____ and her attorney _____ motion to quash the subpoenas on _____ (Motion to Quash subpoenas, Exhibit J).

On _____ without proper notice to _____ by _____ and her attorney, Judge _____ signed an order to quash the subpoenas (Exhibit K, Order Quashing). The action by Judge _____ was not made known to Dr. _____ until _____ when he inquired who had signed the Order dated on _____

(Exhibit L, email to Judge [redacted] assistant). The order signed by Judge [redacted] contained no identifying information as to which Judge had signed it. [redacted] noted that the signature was different from Judge [redacted] when he received a copy on [redacted] [redacted] was not made aware until the following [redacted] that 1. a proper notice to quash was filed, 2. that a Judge had signed an Order, and 3. that the Order was already filed. In fact, the Court Clerk was not aware that an Order had been signed and/or filed.

Early on [redacted] filed a Notice to the Court that he had not yet received a proper notice from the attorney [redacted] (Exhibit M, Notice to Court). [redacted] filed a response to the order to quash the subpoenas before anyone in the clerk's office was aware that Judge [redacted] had already signed an order (Exhibit N, Response to Motion to Quash).

[redacted] submitted a Motion for reconsideration of the order signed by Judge [redacted] (Exhibit O, Motion for Reconsideration). Judge [redacted] signed an order denying the motion for reconsideration on [redacted] (Order denying Motion for Reconsideration, Exhibit P).

There have been [redacted] judges since [redacted] involved in this ex parte order of protection. These include Judge [redacted] who issued the Order, Judge [redacted]

**THE COMMISSION'S POLICY IS
TO POST ONLY THE FIRST FIVE
PAGES OF ANY DISMISSED
COMPLAINT ON ITS WEBSITE.**

**FOR ACCESS TO THE
REMAINDER OF THE
COMPLAINT IN THIS MATTER,
PLEASE MAKE YOUR REQUEST
IN WRITING TO THE
COMMISSION ON JUDICIAL
CONDUCT AND REFERENCE
THE COMMISSION CASE
NUMBER IN YOUR REQUEST.**